

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AIRIANNA LATRICE-
MARDELL COX, a/k/a ADRIANNA COX, and
AVONTAY LADON COX, a/k/a AVONTAX
COX, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STEVEN COX,

Respondent-Appellant,

and

SHIRLEY MAE MASON and FREDDIE
MASON,

Respondents.

In the Matter of AIRIANNA LATRICE-
MARDELL COX, a/k/a ADRIANNA COX, and
AVONTAY LADON COX, a/k/a AVONTAX
COX, Minors

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHIRLEY MAE MASON,

Respondent-Appellant,

UNPUBLISHED
September 11, 2003

No. 247020
Muskegon Circuit Court
Family Division
LC No. 01-029656-NA

No. 247521
Muskegon Circuit Court
Family Division
LC No. 01-029656-NA

and

STEVEN COX and FREDDIE MASON,

Respondents.

Before: Cooper, P.J., and Fitzgerald and Kelly, JJ.

PER CURIAM.

Respondents Shirley Mason and Steven Cox appeal as of right the order terminating their parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (c)(i), (g), and (j). We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I)¹; *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Once the court determines that a statutory ground for termination has been proven by clear and convincing evidence, it must terminate parental rights unless it determines from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. The evidence established that respondent Cox, who was also abusive toward respondent Mason, prompting the child's removal from respondents' custody, physically abused Airianna. Respondent Mason was incapable of preventing the harm, due in part to her own fragile physical and emotional condition. She was instructed to obtain appropriate housing, but kept returning to respondent Cox.

The trial court's finding that it was not reasonably likely that respondents would be able to successfully address their problems within a reasonable time is not clearly erroneous in light of all the evidence. Respondents made minimal progress in therapy and classes, despite faithful attendance. Respondent Cox refused to sign one parent/agency agreement. Neither respondent has appropriate transportation (which was critical for the proper treatment of Airianna's permanent injury), employment, or financial resources.

Considering the injury to Airianna, the trial court did not clearly err in finding that Avontay would also be at substantial risk of harm.

Finally, the evidence did not establish that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, *supra*. The trial

¹ Recodified as MCR 3.977(J), effective May 1, 2003

court correctly found that a consideration of the statutory best interest factors weighed in favor of termination.²

Affirmed.

/s/ Jessica R. Cooper
/s/ E. Thomas Fitzgerald
/s/ Kirsten Frank Kelly

² MCL 722.23(a) – (l),